IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

WP(C).No. 9911 of 2007(E)

AGAINST THE ORDER IN IA 2159/2006 IN OS.NO. 211/2006 OF THE PRINCIPAL MUNSIFF'S COURT, KANNUR

PETITIONER:

DR.V.P.DEVADAS, S/O.V.P.A.NAIR,
AGED 62 YEARS, RAJESWARI HOSPITAL,
TALAP, KANNUR.

BY ADV. SRI.B.RADHAKRISHNA PILLAI
SRI.P.U.SHAILAJAN
SMT.S.AMBIKA DEVI
SRI.R.JYOTHIKRISHNAN

RESPONDENTS:

1. V.V.SHANKARAN NAMBIAR,
S/O.KUNHAMBU NAMBIAR, AGED 77 YEARS,
ADVOCATE, RESIDING AT `BRINDAVAN', THANA,
KANNUR-12.

2. SETHUMADHAVAN NAIR, SECRETARY,
N.S.S.KANNUR TALUK UNION, NEAR LESSIE HOSPITAL,
KANNUR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF PLAINT IN O.S.NO.211/2006.

EXT.P2 TRUE COPY OF WRITTEN STATEMENT FILED BY THE SECOND DEFENDANT, THE PETITIONER HEREIN IN O.S.NO.211/2006.

EXT.P3 TRUE COPY OF ORDER IN I.A.NO.2159/06 OF THE PRINCIPAL MUNSIFF'S COURT, KANNUR DATED 26.8.2006.

EXT.P4 TRUE COPY OF LETTER OF THE REGISTRAR DT.13.2.2006

EXT.P5 TRUE COPY OF ORDER IN I.A.NO.3663/2006 DATED 27.11.2006 OF THE PRINCIPAL MUNSIFF'S COURT, KANNUR.

EXT.P6 TRUE COPY OF ORDER IN I.A.NO.3794/06 DATED 25.11.2006 OF THE PRINCIPAL MUNSIFF'S COURT, KANNUR.

EXT.P7 TRUE COPY OF COUNTER STATEMENT FILED BY THE FIRST RESPONDENT HEREIN IN I.A.NO.3663/06 DATED 17.11.2006.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

AHZ/

K.T. SANKARAN, J.

W.P.(C). NO. 9911 OF 2007

Dated this the 20th day of April,2007

JUDGMENT

It is stated in the synopsis of the Writ Petition itself that the suit was dismissed as not pressed. Therefore, on that ground the Writ Petition is not maintainable.

2. Even otherwise, the Writ Petition is not maintainable since the orders which are challenged were passed under Order 39 of the Code of Civil Procedure which are appealable under Order XLIII of the Code of Civil Procedure. The relief prayed for in the Writ Petition cannot be granted.

The Writ Petition is accordingly dismissed.

(K.T.SANKARAN)
Judge

ahz/